

So Ordered.

Dated: August 22nd, 2018



Frank L. Kurtz
Frank L. Kurtz
Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

FRED AND JULIE BROERSMA
Debtors.

Case No. 18-01036-FLK12

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

THIS MATTER having come before the above-entitled Court for confirmation, which confirmation hearing was held by telephone conference on August 21, 2018; and the Court having read the Declaration of Fred Broersma, one of the debtors herein, and having reviewed the Chapter 12 Plan, the Trustee's Confirmation Summary, and having heard the arguments of counsel, makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 1

HAMES, ANDERSON, WHITLOW & O'LEARY, P.S.
601 W. KENNEWICK AVENUE
P.O. BOX 5498
KENNEWICK, WA 99336-0498
(509) 586-7797/ Fax (509) 586-3674

FINDINGS OF FACT

I. Debtors filed the above-captioned voluntary Chapter 12 proceeding on April 16, 2018.

II. Debtors filed their Chapter 12 Plan on July 12, 2018 and served it on all parties in interest on July 12, 2018.

III. Debtors' liquidation analysis indicates that if debtors assets were liquidated all creditors would be paid in full. Debtors' intent is to liquidate the family farm which projected sale proceeds appear to be sufficient to pay all creditors in full, including taxes incurred by the sale.

IV. All creditors were given proper notice of Debtors' Chapter 12 Plan.

V. Debtors received one filed objection and one unfiled objection to their Plan. The filed objection was from United States of America, Farm Service Agency. The unfiled objection was from Columbia State Bank.

VI. Debtors filed their first Amended Chapter 12 Plan on August 15, 2018. The Amended Chapter 12 Plan did not make any substantive changes to the Plan and caused no adverse effect for any of the creditors. Pursuant to 11 U.S.C. § 1223, a Certificate of No Adverse Effect was also filed on August 15, 2018. Therefore, no notice of the Amended Chapter 12 Plan was given to creditors other than those who receive ECF notices through PACER.

VII. The Amended Chapter 12 Plan resolved all objections to Debtors' initial plan.

VIII. Debtors do not have budget projections attached to their Plan because the Plan calls for liquidation of Debtors' family farm. The Plan is feasible, and Debtors will be able to make their payments as set forth in the Plan.

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FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 2

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1 IX. All fees, charges, or amounts required to be paid before confirmation
2 pursuant to Title Eleven, Chapter 12 and Title 28 U.S.C. or by the Plan, have been paid.

3 From the foregoing Findings of Fact, the Court makes the following Conclusions
4 of Law.

5 CONCLUSIONS OF LAW

6 X. Debtors' initial Plan and their Amended Chapter 12 Plan comply with the
7 provisions of Chapter 12 of Title 11 U.S.C. and the other applicable provisions of Title
8 28 U.S.C.

9 XI. The owner of each claim secured by the property to be sold has accepted
10 the Plan and shall receive payment of its claim from the sale proceeds of Debtors'
11 family farm and such liens shall attach to the sale proceeds with the same validity and
12 priority as they were prior to debtors filing the above captioned Bankruptcy case

13 XII. The holder of every other secured claim has accepted the plan and shall
14 receive payments on its secured claim as set forth in the plan and shall retain its lien
15 until such secured claim has been paid in full.

16 XIII. The holders of unsecured claims will be paid in full

17 XIV. The Debtors will be able to make all payments and comply with the Plan.

18 XV. The Chapter 12 Trustee will receive compensation pursuant to 28 U.S.C.
19 § 586 (e)(1)(B)(ii).

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FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 3

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1 XVI. The Plan has been proposed in good faith and not by any means
2 forbidden by law.

3 /// END OF ORDER ///

4 Presented by:

5 HAMES, ANDERSON, WHITLOW & O'LEARY, P.S.
6 Attorneys for Debtors

7 BY: 
8 WILLIAM L. HAMES, WSBA #12193

9 Approved by:

10 CHAPTER 12 TRUSTEE

11 BY: /s/ Ford Elsaesser (with permission)
12 FORD ELSAESSER

13 FARLEIGH, WADA, WITT
14 Attorneys for Creditor Columbia State Bank

15 BY: 
16 JASON M. AYERS, WSBA #39141
AYERS

17 JOSEPH H. HARRINGTON,
18 United States Attorney
19 Eastern District of Washington
Attorney for United States of America, Farm Service Agency

20 BY: 
21 BRIAN M. DONOVAN, WSBA #41121
Assistant United States Attorney

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FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 4

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